

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DEFENDANTS' MOTION TO REOPEN

TO THE HON. LYNN HUGHES, JUDGE OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS:

NOW COME Defendants LNV CORPORATION and DOVENMUEHLE MORTGAGE, INC. and file this Motion to Reopen the above-entitled and numbered action:

PROCEDURAL BACKGROUND

1. This is the Plaintiff's third lawsuit filed in an attempt to stop Defendants from exercising their foreclosure rights under the terms of her residential mortgage loan. The litigation between the parties originated in state court over three years ago when Plaintiff filed cause number 65980 in the 149th Judicial District Court of Brazoria County on December 11, 2011.

2. On January 25, 2012, Defendants filed a notice of removal to this Court under Civil Action no. 4:12-cv-00252. Defendants then filed a motion to dismiss for failure to state a claim, which this Court granted by signing an order of Final Dismissal entered on April 19, 2012. A copy of the Final Dismissal is attached to this motion as EXHIBIT A.

3. Contrary to Court's order, the Plaintiff re-filed a second lawsuit under cause no. 71424 in the 149th District Court of Brazoria County on February 5, 2013, but non-suited the action on February 15, 2013.

4. On December 1, 2014, Plaintiff filed a third petition under cause number 79621 in the 412th Judicial District Court of Brazoria County. Defendants filed a Notice of Removal on December 30, 2014, initiating Civil Action no. 4:14-cv-03721 in Judge Ellison's Court.

GROUND FOR REOPENING, TRANSFER AND CONSOLIDATION

5. In the order of Final Dismissal of Civil Action no. 4:12-cv-00252, this Court ordered that “[i]f [Lisa A. Williams] contests the trustee’s foreclosure, she must do it by moving to re-open this case.” In compliance with that order, Defendants have filed this motion to reopen the above-entitled and numbered cause. Defendants have also concurrently filed a motion to transfer Civil Action no. 4:14-cv-3721 for consolidation herewith.

WHEREFORE, PREMISES CONSIDERED, Defendants move to reopen this action to permit transfer and consolidation of Civil Action no. 4:14-cv-03721 and for such further relief at law and in equity to which Defendants may be entitled.

Respectfully Submitted,

GREGG & VALBY, P.C.

by: s/ John H. Miller, III
Thomas G. Overbeck
State Bar No. 15353450
S.D. Tex. No. 5531
John H. “Jack” Miller, III
State Bar No. 24083503
S.D. Tex. No. 1716682
1700 West Loop South, Suite 200
(713) 960-1377
(713) 960-1809 (fax)

Attorneys for Defendants,
LNV CORPORATION AND
DOVENMUEHLE MORTGAGE, INC.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been served in accordance with the Federal Rules of Civil Procedure on this **5th** day of February, 2015 by notice through the ECF system and/or deposit into the care and custody of the United States Postal Service in an envelope addressed to:

Lisa A. Williams
10009 Forest Spring Lane
Pearland, Texas 77584

s/ John H. "Jack" Miller, III

John H. "Jack" Miller, III